

South Dakota Public Utilities Commission Meeting  
Tuesday, April 24, 2007, at 8:30 A.M.  
State Capitol Building, Room 412  
Pierre, South Dakota

**NOTE:** *If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. on April 23, 2007. Lines are limited and are given out on first come/first serve basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available you may have to appear in person.*

**NOTE:** *To listen to the Commission Meeting live please go to the PUC's website [www.puc.sd.gov](http://www.puc.sd.gov) and click on the LIVE button on the home page. The Commission requests that persons who will only be listening to proceedings and not actively appearing in a case listen via the webcast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab and then click on the LISTEN button on the page.*

**NOTE:** *Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.*

# AGENDA OF COMMISSION MEETING

## Consumer Reports

1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission. (Consumer Affairs: Deb Gregg)

## Electric

1. EL07-012 In the Matter of the Filing by Xcel Energy for Approval of its 2006 Economic Development Annual Report and 2007 Economic Development Plan. (Staff Attorney: Kara Van Bockern, Staff Analyst: Keith Senger)

On April 02, 2007, Xcel Energy filed for Commission approval of its 2006 economic development report and the 2007 economic development budget. The report includes the budget that was planned for the year 2006, the actual economic development investments that Xcel Energy made in 2006, and the planned budget for 2007.

*TODAY, shall the Commission Approve the 2006 Economic Development Report and the 2007 Economic Development Plan?*

## **Natural Gas**

- 1. NG07-010 In the Matter of the Filing by Montana-Dakota Utilities Co. for Approval of Tariff Revisions. (Staff Attorney: Kara Van Bockern, Staff Analyst: Dave Jacobson)**

Application by Montana-Dakota Utilities Co. for approval of tariff revisions to revise its policy regarding Seasonal Reconnection charges applicable to certain natural gas customers under General Provisions Rate 100. The proposed revisions would provide seasonal business customers credit for volumes of natural gas used during the time in service when calculating the applicable reconnection charge.

*TODAY, shall the Commission Approve the Tariff Revisions?*

## **Telecommunications**

- 1. TC05-047 In the Matter of the Proceeds from Bonds and Other Security for the Benefit of Customers of S&S Communications (Staff Attorney: John Smith, Staff Analyst: Keith Senger)**

On March 2, 2005, the Commission received a Petition from Commission Staff to open a docket for the administration and distribution of proceeds from bonds and other security received by the Commission (Proceeds) for the benefit of customers of S&S Communications (S&S). On or about June 3, 2003, S&S ceased providing wireline telecommunications service, for which several hundred South Dakota customers had pre-paid. On August 28, 2003, the Commission issued its final decision in Docket TC02-166 revoking S&S's certificate of authority. One of the instruments the Commission received to secure S&S's pre-payments obligations was a \$125,000 irrevocable stand-by letter of credit from Aberdeen Finance Corporation (AFC). On May 24, 2004, AFC filed for bankruptcy under Chapter 11. On September 11, 2006, AFC's Plan of Reorganization (Plan) was approved by the Bankruptcy Court. Under the Plan, the Commission received 35 shares of AFC common stock and the obligation of AFC to pay the Commission \$2,500 in cash in four annual payments of \$625 with the first payment to be due September, 2007. Staff has been attempting to sell or otherwise secure the conversion of the 35 shares of AFC stock into cash in order to avoid having to distribute minute fractional shares to the numerous claimants against Proceeds. On April 6, 2007, the Commission received a letter from AFC containing the joint offer of AFC and one of its shareholders to purchase the 35 shares for \$3,500 (\$100 per share) and to simultaneously pay the Commission the \$2,500 owed in cash under the Plan in exchange for an assignment of the Commission's rights to payment over four annual installments under the Plan.

*TODAY, shall the Commission Accept the Joint Offer of AFC and One of its Shareholders to Purchase the AFC shares for \$3,500 and Simultaneously Pay the Commission the \$2,500 Owed Under the Plan in Exchange for the Commission's Assignment of Rights to Payment Under the Plan and to Authorize the Executive Director and/or Commission Counsel to Execute such Settlement, Release, Assignment, Stock Transfer, Stock Powers and Other Documents as May be Necessary to Effect the Sale and Obtain Payment? OR, how shall the Commission Proceed?*

**2. TC05-153 In the Matter of the Review of the Implementation of 811 as a National Abbreviated Dialing Code for One Call Notification. (Staff Attorney: Kara Van Bockern)**

On July 20, 2005, the Commission received a letter from Commission Staff asking that the Commission open a docket or conduct some other type of proceeding regarding the implementation of 811. In its letter, Staff explained that the Federal Communications Commission (FCC) has issued a report and order regarding the designation and implementation of 811 as a National Abbreviated Dialing Code for One Call Notification. See In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, Sixth Report and Order (rel. March 14, 2005). Based on this report and order, Staff believes it would be beneficial for the Commission to open a docket to receive comments from industry on the implementation process. The Commission voted to open this docket at its July 28, 2005 meeting.

*TODAY, if 811 has been Implemented by all Companies, shall the Commission Dismiss and Close the Docket?*

**3. TC06-191 In the Matter of Dish Network's Failure to Register as a Telemarketer and the Solicitations it made to those Registered on the Do Not Call List. (Staff Attorney: Kara Van Bockern)**

On November 15, 2006, Commission Staff filed a Motion for an Order to Show Cause due to Dish Network's failure to register as a telemarketer and the solicitations it made to individuals registered with the South Dakota Do Not Call Registry. Upon further investigation, Staff determined that Dish Network is a subsidiary of EchoStar Satellite, LLC. The Commission added EchoStar Satellite, LLC as a party and issued an Order to Show Cause at its December 6, 2006, meeting. On April 13, 2007, staff filed a Motion for Continuance of Discovery and to Add Additional Parties.

*TODAY, shall the Commission Grant the Motion for Continuance of Discovery and to Add Additional Parties?*

**4. TC07-017 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and Ionex Communications North, Inc. (Staff Attorney: Kara Van Bockern)**


On March 22, 2007, the Commission received a filing for the approval of a Triennial Review Order and Triennial Review Remand Order Amendment to the Interconnection Agreement between Qwest Corporation and Ionex Communications North, Inc., for the State of South Dakota.

*TODAY, shall the Commission Approve the Amendment to the Agreement?*

**Announcements**

1. The next regularly scheduled Commission meeting will be held May 8, 2007, at 8:30 a.m. in Room 412, State Capitol Building, Pierre, SD.

2. Commission meetings are scheduled for May 22 and June 5, 2007.
3. A hearing in Dockets TC06-175 and TC06-176 will be held in Room 464, State Capitol Building, Pierre, SD, April 24 – 27, 2007. The hearing will begin immediately following the Commission Meeting on April 24, 2007, and at 8:30 a.m. on April 25, 26, and 27, 2007.
4. A public meeting will be held on Monday, April 30, 2007, in Irene, SD, to discuss regional cell coverage concerns. The meeting will begin at 7 p.m. in Irene Community Center.
5. A hearing in Docket EL06-018 will be held in Room 412, State Capitol Building, Pierre, SD, on May 1, 2007. The hearing will begin at 8:30 a.m.
6. A hearing in Docket TC05-047 will be held in Room 412, State Capitol Building, Pierre, SD, on May 8, 2007. The hearing will begin at 1:30 p.m.
7. The PUC offices will be closed on Monday, May 28, 2007, in observance of Memorial Day.

  
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April 17, 2007